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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE LARRY A. BURNS)

23 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
AARON CLARK, ASSISTANT UNITED STATES ATTORNEY;

25 **PLEASE TAKE NOTICE** that, on Monday, June 2, 2008, at 2:00pa.m., or as soon thereafter as
26 counsel may be heard, the accused, Martin Orosco-Ibarra, by and through his attorneys, John C. Ellis, Jr.,
27 and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions listed
28 below.

MOTIONS

Martin Orosco-Ibarra, the accused in this case, by and through his attorneys, John C. Ellis, Jr., and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an Order:

- (1) Compel Discovery/preserve Evidence;
 - (2) Dismiss the Indictment Because it Fails to Allege All Elements of the Charged Offense;
 - (3) Dismiss the Indictment Because it Violates Mr. Orosco-Ibarra's Right to Presentment;
 - (4) Strike Surplusage from the Indictment;
 - (5) Produce Grand Jury Transcripts;
 - (6) Suppress Statements;
 - (7) Leave to File Further Motions.

13 This Motion is based upon the instant motion and notice of motion, the attached statement of facts and
14 memorandum of points and authorities, and any and all other materials that may come to this Court's attention
15 at the time of the hearing on these motions.

Respectfully submitted,

18 DATED: May 12, 2008

s/ John C. Ellis, Jr.
JOHN C. ELLIS, JR.
Federal Defenders of San Diego, Inc.
Attorneys for Martin Orosco-Ibarra
john_ellis@fd.org